

REMARKS

Claims 1-7, 9-16, 18-23, 25-29, and 31-33 are pending in the present application. Claims 8, 17, 24, and 30 are canceled. Claims 1, 18, and 31 are amended to recite estimating a length of time the customer communication will be in the queue and selecting customized content based on the estimated length of time. Support for this amendment may be found in the present specification at least on page 12, lines 1-11. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102, Anticipation

The Office Action rejects claims 1-7, 9-16, 18-23, 25-29, and 31-33 under 35 U.S.C. § 102 as being anticipated by *Bolduc et al.* (U.S. Patent No. 6,195,426). This rejection is respectfully traversed.

Bolduc teaches a service providing customized information to queuing customers. *Bolduc* teaches identifying a customer placed in a customer queue and retrieving a data record based on the customer's identity. Relevant messages are retrieved and played to the customer while the customer is in the queue.

The present invention also provides customized information to a user placed in a queue; however, the present invention estimates a length of time the customer will be in the queue and selects customized content based on the estimated length of time. *Bolduc* does not teach or suggest selecting customized content based on an estimated length of time the customer will be in the queue, as recited in claim 1. With respect to claims 8, 17, 24, and 30, the Office Action alleges that it is well known in the art for a user in queue to be given his or her estimated wait/hold time. While estimating a wait/hold time may be generally known, there is no teaching or suggestion in the prior art of selecting customized content to be played to customers based on an estimated length of time the customer communication will be in the queue. Therefore, Applicants submit that *Bolduc* does not render claim 1 obvious.

Independent claims 18 and 31 recite subject matter addressed above with respect to claim 1. Since claims 2-7, 9-16, 19-23, 25-29, 32, and 33 depend from claims 1, 18, and 31, the same distinctions between *Bolduc* and the invention recited in claims 1, 18,

and 31 apply for these claims. Additionally, claims 2-7, 9-16, 19-23, 25-29, 32, and 33 recite other additional combinations of features not suggested by the reference.

Therefore, Applicants respectfully request withdrawal the rejection of claims 1-7, 9-16, 18-23, 25-29, and 31-33 under 35 U.S.C. § 102.

Furthermore, *Bolduc* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Absent the prior art pointing out some teaching or incentive to implement *Bolduc* to select customized content based on an estimated length of time the customer will be in the queue, one of ordinary skill in the art would not be led to modify *Bolduc* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Bolduc* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

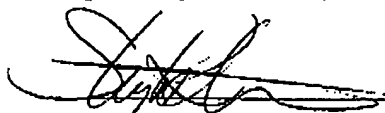
II. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



Stephen R. Tkacs
Reg. No. 46,430
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 367-2001
Agent for Applicants